No. 13256

IN THE

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

WILEY JAMES WILLIAMS,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

BRIEF OF APPELLEE

DALTON PIERSON,
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Butte, Montana;

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Butte, Montana;

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STATEMENT OF THE CASE

The appellant, Wiley James Williams, registered under the Selective Service Act of 1948 on September 7, 1948 (R. 17). His occupation at the time of registering was given as "Farmer" (Plffs. Ex. 1-a—certified here as an exhibit, R. 137). Appellant's questionaire was filed with Local Board No. 1, Glacier County, Montana, on September 24, 1948 (R. 17). Appellant filed Conscientious Objector Form No. 150 (R. 17) on November 1, 1948 (R. 18). On August 8, 1950 appellant was classified by the Local Board (Plffs. Ex. 1-j). On August 25, 1950 appellant filed with the Local Board a letter requesting a personal appearance before the Board members in order to present verbal evidence to show why he should be granted a minister's classification (Plffs. Ex. 1-o) and

on the same date appellant filed what is entitled Notice of Appeal from Classification. In that notice appellant submitted a request that his classification be changed from 1-A to a minister's classificaton and stated that he felt that he had been wrongfully classified again (Plffs. Ex. 1-p). Appellant was regularly notified that he would be given a hearing at 7:00 p. m., September 1, 1950 (Plffs. Ex. 1-q). On September 1, 1950 appellant appeared before the Board requesting classification IV-D. His request was denied and he was retained in Class 1-A (R. 18). He was notified of the action taken by the Board (R. 18). On September 22, 1950, a Notice to Report for Armed Service Physical Examination was forwarded to appellant (R. 18). He complied with this Notice and reported on October 2, 1950 (R. 18). He was found acceptable for service and so notified (R. 18-19). On November 27, 1950, an Order to Report for induction was mailed to appellant (R. 19). He was ordered to report for induction on December 14, 1950 (R. 19). He did not report for induction.

No appeal beyond the request for the hearing before the Local Board hereinbefore referred to was ever taken.

On February 16, 1951, an Indictment was returned charging appellant with a violation of the Selective Service Act of 1948 and the Rules and Regulations issued pursuant to the Act (R. 3). Appellant entered a plea of not guilty (R. 4). A trial was had before a jury. The jury returned a verdict of guilty on November 16, 1951 (R. 124) and appellant was by the Court sentenced (R. 13-14).

ARGUMENT

Appellant herein assigns some twenty-seven Specifications of Error (Br. 9-44).

Argument of appellant suggests that this case raises a new point not found in any cases (Br. 44). We direct the attention of the Court to the decision of the Supreme Court of the United States in the case of *Falbo v. United States,* 320 U. S. 549; 64 S. Ct. 346; 88 L. Ed. 305. The facts in this case are not materially different.

We shall attempt in this brief to assemble the numerous Specifications of Error under appropriate headings for discussion.

SUFFICIENCY OF THE INDICTMENT

The Indictment is as follows:

> "On or about the 14th day of December, 1950, in the District of Montana, Wiley James Williams knowingly and wilfully failed and refused to perform a duty required of him under the Selective Service Act of 1948 and the Rules and Regulations issued pursuant to said Act in that he evaded and refused to submit to induction and service and to be inducted into the Armed Forces of the United States." (R. 3).

The appellant herein did not challenge the sufficiency of the indictment or request a Bill of Particulars and has made no showing that he was mislead, surprised or prejudiced by the form of the indictment. He went to trial on the case and at the close of the Government's case he made his first attack upon the indictment (R. 37). There ensued considerable discussion between the Court and counsel (R. 37-55).

The attention of the District Court was directed to a statement in the case of *Estep v. United States,* 327 U. S. 114; 90 L. Ed. 567; 66 S. Ct. 423 (R. 54-55). The full statement is as follows:

> "By the terms of the Act Congress enlisted the aid of the federal courts only for enforcement purposes. Sec. 11 makes criminal a wilful failure to perform any duty required of a registrant by the Act or the rules or regulations made under it. An order to report for induction is such a duty; and it includes the duty to submit to induction. * * * " (Page 119).

Appellant appears to misunderstand. His brief refers to separate and independent duties (Br. 47) and the separate character of each duty (Br. 48). In the case of *Falbo v. United States,* 320 U. S. 549 at 553; 64 S. Ct. 346; 88 L. Ed. 305, the Supreme Court stated:

> "The connected series of steps into the national service which begins with registration with the local board does not end until the registrant is accepted by the army, navy, or civilian public service camp. Thus a board order to report is no more than a necessary intermediate step in a united and continuous process designed to raise an army speedily and efficiently."

The indictment in this case is in substantially the same language used by this Court in the case of *Burgtorf v. United States,* 190 F. (2d) 203. The indictment herein alleges the offense in the words of the statute and is clearly sufficient under the provisions of Rule 7(c) of the Federal Rules of Criminal Procedure.

APPELLANT DID NOT EXHAUST HIS ADMINISTRATIVE REMEDIES AND ACCORDINGLY THE ACTION OF THE LOCAL BOARD WAS NOT SUBJECT TO JUDICIAL REVIEW

In this case we are dealing with one who rather than serve his country was twice sentenced for a violation of the Selective Service Act of 1940 (R. 91-95) and a Jehovah Witness who admittedly discussed the Selective Service Act with other members of his group at their meetings (R. 96-97) and one who, by his testimony knew how to test the validity of his classification (R. 98).

The appellant herein with all of his knowledge concerning the Selective Service Law knew that when he was classified on August 8, 1950 (Plffs. Ex. 1-j) he had ten days from the date of mailing of the Notice of Classification within which to appeal, (Sec. 1626.2(c) (1) Selective Service Regulations, Appendix) and, of course, the Notice forwarded to him advised him of that fact. Yet the appellant would have this Court believe that by reason of a conversation with the Clerk of the Local Board on October 3, 1950 (R. 87-89) he was prevented from taking his appeal (Br. 44, 52, 55, 56, 58). Just what could the Clerk of the Local Board have done on October 3, 1950 that could be treated as preventing the appeal from a classification made on August 8, 1950? The record will not sustain the appellant's contention or statements in that regard.

The facts of the matter as disclosed by the record are that appellant testified concerning a conversation with

a former Clerk of the Local Board (R. 89-90). Evidence of this conversation was admitted as bearing on the question of intent (R. 89). The conversation, according to appellant's version of it, was that the then Clerk of the Local Board stated upon being advised by appellant that he had been married several months earlier that she was going to mail a different classification to him, or that he would be given a different hearing (R. 90). It is noteworthy that appellant was testifying concerning a conversation with a former Clerk of the Local Board for whom the Government had issued a subpoena and who because of her physical condition was unable to attend the trial (R. 101). At the trial appellant testified that by reason of this conversation with the Clerk of the Local Board he did not comply with the Order to Report for Induction (R. 90). Now on this appeal appellant states that this conversation prevented him from taking an appeal from the classification given to him by the Local Board (Br. 44).

The situation is simply this. Appellant was classified on August 8, 1950. He requested and was granted a hearing before the Board on September 1, 1950 (R. 18) upon his request that he be given a minister's classification. He had been married on July 18, 1950 (R. 89). There is no showing whatever that upon receipt of the classification appellant advised the Board that he had been married, nor did he advise the Board at the hearing on September 1, 1950. His time for appeal expired ten days after the notice of classification was mailed to him (Sec. 1626.2(c) (1) Appendix). The classification of appellant as a registrant with the Local Board could be reopened and considered

anew only upon certain specific grounds provided for in the Selective Service Act. (See Sec. 1625 Appendix).

We submit that the appellant knew what was required of him when he received his Order to Report for Induction. He understood the meaning of the provisions of Section 1632.14 of the Selective Service Regulations (Appendix). He knew there were ways by which his classification could be reopened and considered anew. He knew that the Local Board itself was restricted in the reopening and considering anew of a classification. Appellant herein had been twice convicted for violation of the Selective Service Act of 1940 and admitted that the Order to Report for Induction carried a real meaning for him (R. 94). This young man being well versed concerning the Selective Service Act and Rules and Regulations (R. 85-98) just simply ignored the order to report for induction awaiting the step that he knew would of necessity follow—his indictment by a Grand Jury.

Appellant when he had his hearing before the Local Board on September 1, 1950, did not then advise the Board that he had been married on July 18, 1950. He did on October 3, 1950, as he was required to do, advise the Board of his change of status in this regard. He did not ask that his classification be reopened and considered anew. He waited until he had been indicted, then during the trial attempted to have the Court classify him by reason of his change in status. In support of this contention appellant relies upon the decision of this Court in *Cox v. Wedemeyer,* 192 F. (2d) 920. The facts of that case are very different from the facts presented in this case. In that

case this Court held that the Board of Appeal was required to classify the registrant de novo on the basis of his whole Selective Service record and could not limit its review to the request submitted by the registrant. We are here dealing with a case in which the Board never after September 1, 1950 considered the classification of the registrant as he never requested in accordance with the regulations that the classification be reconsidered nor did he appeal from the classification.

Throughout the Brief submitted to this Court appellant attempts to establish that the District Court was in error in denying to him the right to have all matters before the Selective Service Board gone into and treated de novo by the jury. He cites in support of this *Ex Parte Stewart,* 47 F. Supp. 415 (incorrectly cited by appellant as 47 F. Supp. 445). In the first decision in *Ex Parte Stewart* Judge Yankwich states at the outset:

> "Except where an appeal is authorized the Selective Service Act makes the decision of the Board on classification final. 50 U.S.C.A. Appendix § 310 (a); see; United States ex rel Broker v. Baird, D.CN.Y. 1941, 39 F Supp. 392, 394. In the trial of cases for violations of the Act, the Judges of this district have declined to submit to the jury the question of the correctness of the classification. But they have allowed inquiry to determine whether there was a hearing. And, in submitting the question of guilt or innocence to the jury, we have, invariably, informed them that they do not sit as a court of appeal. * * * "
>
> Ex Parte Stewart,
> 47 F. Supp. 410, 411.

And in the second decision after quoting the provisions of the Selective Service and Training Act of 1940, he states:

"In interpreting this enactment, all the judges of this Court have held that when the time for appeal has elapsed, or an appeal has been instituted and denied, finality attaches to the action of the Board; and that after a person, classified in 1-A, has been ordered to report for induction fails to appear, and wilfully disobeys the order of the Board and is prosecuted, he cannot in such prosecution offer testimony to show that he was not properly classified."

Ex Parte Stewart,
47 F. Supp. 415, 417.

The case of *Ex Parte Stewart* was a Habaes Corpus case, not the kind of a case here presented. Yet the statements of Judge Yankwich hereinbefore referred to support the appellee and not the appellant.

Appellant's Brief suggests that the Court prevented him from showing a lack of criminal intent (Br. 51) and cites the Court to the record herein pages 60, 61 and 62. What counsel at that point was attempting to do was to have the Court classify the registrant. The evidence of the marriage did go to the jury on the question of intent (R. 58, 59, 87, 89, 90) but the Court properly refused to act or permit the jury to act as a Selective Service Board and classify the appellant.

The charge to the jury in this case did submit for consideration by the jury the question of intent. In part the charge was as follows:

"Now there is a question of intent here and it becomes a very important question in this case because this is practically all, or at any rate it is the important issue here because so many other features of the case as I stated a few minutes ago are going to be eliminated." (R. 114).

and the charge in its entirety advised the jury that it could not act as a Selective Service Board and classify the registrant. In part on the subject the District Court charged:

> "Congress legislated to discourage obstruction and delay through dilatory court proceedings that would have been inevitable if judicial review of classification had been afforded.
>
> "The Supreme Court has held that 'a limited review could be obtained if the registrant had exhausted his administrative remedies;' he never carried through the administrative process on appeal and therefore the subject of classification of registrant by the local selective service board about which so much has been said here in the presence of the jury, must not be considered by the jury or any reference to it by counsel. If the registrant was dissatisfied with the actions and decisions of the board he had his right of appeal." (R. 121).

The appellant herein did not exhaust his administrative remedies, but even if he had on the record before the Court there was a basis in fact for the classification made by the Local Board. In the classification questionaire, Section 8, entitled "Present Occupation" (Plffs. Ex. 1-f) appellant stated that he was a farm laborer as he had stated on his registration card (Plffs. Ex. 1-a). Further in the classification questionaire under agricultural occupation in the answer to the question "Other business in which I am now engaged?" his answer, "none" (Plffs. Ex 1-g). What the appellant in this case attempted to do during the trial was to obtain a complete review of the action of the Local Board and have the jury classify him.

In *Estep v. United States,* 327 U. S. 114, it was held that the question of jurisdiction of the Local Board is

reached only if there is no basis in fact for the classification given the registrant. The Court stated in part:

> "The provision making the decisions of the local boards 'final' means to us that Congress chose not to give administrative action under this Act the customary scope of judicial review which obtains under other statutes. It means that the courts are not to weigh the evidence to determine whether the classification made by the local boards was justified. The decisions of the local boards made in conformity with the regulations are final even though they may be erroneous. The question of jurisdiction of the local board is reached only if there is no basis in fact for the classification which it gave the registrant. See Goff v. United States, 135 F. (2d) 610, 612."
>
> Estep v. United States,
> 327 U. S. 114, 122; 90 L. Ed. 567; 66 S Ct. 423.

and in that case the registrant did exhaust his administrative remedies. He did report for induction but refused to submit thereto. The contrary is true in this case.

It is noteworthy that appellant in his Brief does not refer to the decision of this Court in *Cox v. United States,* 157 F. (2d) 787, or the decision of the United States Supreme Court in that case. In these cases it was held that where a classification is susceptible to challenge, the determination of whether a classification is valid is properly one of law for the Court and not one to be passed upon by the jury as contended for by appellant. The pertinent portions of that decision are:

> " * * * In *Estep v. United States,* 327 U. S. 114, we held that a limited review could be obtained if the registrant had exhausted his administrative remedies, and the Circuit Court of Appeals in accordance with that decision reviewed the file of Cox and found that the

evidence was 'substantially in support' of the classification found by the board." (Page 445).

"Petitioners do not limit themselves to the claim that directed verdicts should have been entered in their favor because of the invalidity of their classifications as a matter of law; they claim that the issue should have been submitted with appropriate instructions to the jury. The charge requested by Roisum that he be acquitted if the jury found that he was 'erroneously' classified was improper. In *Estep v. United States* it was distinctly stated that mere error in a classification was insufficient grounds for attack. Cox and Thompson requested charges under which the jury would determine 'whether or not the defendant is a minister of religion' without considering the action of the local board. We hold that such a charge would also have been improper. *Whether there was 'no basis in fact' for the classification is not a question to be determined by the jury on an independent consideration of the evidence.* The concept of a jury passing independently on an issue previously determined by an administrative body or reviewing the action of an administrative body is contrary to settled federal administrative practice; the constitutional right to jury trial does not include the right to have a jury pass on the validity of an administrative order. *Yakus v. United States,* 321 U. S. 414. Although we held in *Estep* that Congress did not intend to cut off all judicial review of a selective service order, petitioners have full protection by having the issue submitted to the trial judge and the reviewing courts to determine whether there was any substantial basis for the classification order. When the judge determines that there was a basis in fact to support classification, the issue need not and should not be submitted to the jury. Perhaps a court or jury would reach a different result from the evidence but as the determination of classification is for selective service, its order is reviewable 'only if there is no basis in fact for the classification.' *Estep v. United States, supra,* 122. Consequently when a court finds a basis in

the file for the board's action that action is conclusive. The question of the preponderance of evidence is not for trial anew. It is not relevant to the issue of the guilt of the accused for disobedience of orders. Upon the judge's determination that the file supports the board, nothing in the file is pertinent to any issue proper for jury consideration." (Italics ours.) (Pages 452, 453).

"Petitioners are entitled to raise the question of the validity of their selective service classifications in this proceeding. They have exhausted their remedies in the selective service process, and whatever their position might be in attempting to raise the question by writs of *habeas corpus* against the camp custodian, they are entitled to raise the issue as a defense in a criminal prosecution for absence without leave." (Page 448).

Cox v. United States,
332 U. S. 442, 445, 452, 453, 458; 92 L. Ed. 59, 68; S. Ct. 115.

The foregoing we believe fully answers every contention made by the appellant that the jury should pass upon the classification of the registrant.

In the case of *Saunders v. United States,* 154 F. (2d) 872, this Court stated:

"The Court correctly informed appellant that he could not review the board's classification."

The District Court in this case followed that ruling.

The appellant here is in fact objecting to the action of the District Judge in following the decision of the United States Supreme Court in *Cox v. United States,* supra. Yet that case has been followed consistently. Some of the cases following that decision are *Penor v. United States,* 167 F. (2d) 553, 9 Cir. and five other cases: *Miller v. United States,* 169 F. (2d) 865, 6 Cir; *Miller v. United*

States, 173 F. (2d) 922, 6 Cir.; *Jeffries v. United States,* 169 F. (2d) 86, 10 Cir.; *Martin v. United States,* 190 F. (2d) 775 and *Imboden v. United States,* 194 F. (2d) 508.

We are not going to set out in this brief to defend every charge made against the District Judge in the appellant's Brief. The District Judge who tried this case needs no defense. The case was fairly tried. The rulings of the Court were proper. The fairness of Judge Pray is too well known by members of the Bar and Judges throughout the Ninth Circuit to require us to embark upon any defense of his conduct in this case. The record speaks for itself.

One point at which appellant directs his criticism of the District Judge appears under Specification of Error No. 1 wherein he states that he was denied effective and effectual aid of counsel. In his Brief appellant refers to appointment of counsel (Br. 45). Counsel for the appellant in this case was of his own choosing and was not appointed by the Court (R. 12). The Motion for Continuance was heard by the Court on November 2, 1951 (R. 5). The case was reset for November 15, 1951 (R. 12), approximately two weeks time allowed to appellant within which to obtain new or additional counsel. He did not do so. The record clearly shows that appellant's counsel was very zealous in defending appellant. Appellant does not point out to this Court wherein his counsel was not effective and effectual. He does not tell this Court of any evidence available to the appellant that was not presented to the District Court. It is interesting to note that the District Judge who has had many years of experience on

the bench estimated that this case would take a couple of hours to try (R. 11). The trial commenced at 10:00 a. m., November 15, 1951 (R. 15). The jury retired to consider its verdict at 11:40 a. m., November 16, 1951 (R. 123). Every conceivable defense of this appellant was attempted.

THE COURT FULLY AND FAIRLY CHARGED THE JURY

Exception to the District Court reading the entire section of the Selective Service law was made, as being prejudicial (R. 122). The Court before reading the section, advised the jury as follows:

> "Now the law on which that indictment is based I am going to read to you. It is rather lengthy and some of it would apply under different state of facts perhaps but you will find that it also applies here in this case, and that this indictment is properly based upon this Section." (R. 107).

and immediately after reading the Section the District Court made the following statements:

> "Now that is the statute and as I read it through you can see where it applies to this case.
>
> "Now this indictment has already been read to you. I want to read it again so that you will have the terms of it in mind when I read you a special instruction which relates to this very situation here." (R. 109).

Most assuredly the jury was advised fully at the time the section was read.

A further exception was made to the District Court advising the jury that the appellant was required to submit to induction in order to resort to judicial review of his classification. The District Court advised the jury

that a limited review could be obtained if the registrant had exhausted his administrative remedies and that appellant had not carried through the administrative process on appeal (R. 121). We believe the comment of this Court in *Phelps v. United States,* 160 F. (2d) 626, 629 is appropriate:

> "It was to cover cases precisely like the present, in which a convicted defendant seeks to escape condign punishment by raising technical objections, that Rule 52(a) of the new Federal Rules of Criminal Procedure, 18 U.S.C.A. following Section 687, was promulgated."

And in *De Pratu v. United States,* 171 F. (2d) 75, 77 this Court stated:

> "The instructions given by the Court fully and fairly stated the law applicable to the evidence before the jury. See McCoy v. United States, 9 Cir. 169 F. (2d) 776, 784-786."

In this case the instructions of the District Court read in their entirety fully and fairly state the law applicable in this case.

CONCLUSION

The jury that heard the appellant herein testify on the stand took him at his word:

"Q. Did you intend to be inducted?

* * *

A. No." (R. 97-98).

We submit that this Court should likewise take the appellant at his word and affirm the verdict and judgment herein.

Respectfully submitted,

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United States Attorney;

H. D. CARMICHAEL,
Assistant United States Attorney;

EMMETT C. ANGLAND,
Assistant United States Attorney.

APPENDIX

REOPENING REGISTRANT'S CLASSIFICATION

1625.1 *Classification Not Permanent.*—(a) No classification is permanent.

(b) Each classified registrant and each person who has filed a request for the registrant's deferment shall, within 10 days after it occurs, report to the local board in writing any fact that might result in the registrant being placed in a different classification such as, but not limited to, any change in his occupational, marital, military, or dependency status, or in his physical condition. Any other person should report to the local board in writing any such fact within 10 days after having knowledge thereof.

(c) The local board shall keep informed of the status of classified registrants. Registrants may be questioned or physically or mentally re-examined, employers may be required to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

1625.2 *When Registrant's Classification May Be Reopened and Considered Anew.*—The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any person who has on file a written request for the current deferment of the registrant in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified, which, if true, would justify a change in the registrant's classification; or (2) upon its own motion if such action is based upon facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; provided, in either event, the classification of a

registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Induction (SSS Form No. 252), unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

1625.3 *When Registrant's Classification Shall Be Reopened and Considered Anew.*—(a) The local board shall reopen and consider anew the classification of a registrant upon the written request of the State Director of Selective Service or the Director of Selective Service and upon receipt of such request shall immediately cancel any Order to Report for Induction (SSS Form No. 252) which may have been issued to the registrant.

(b) The local board shall reopen and consider anew the classification of a registrant to whom it has mailed an Order to Report for Induction (SSS Form No. 252) whenever facts are presented to the local board which establish the registrant's eligibility for classification into Class 1-S because he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning.

1625.4 *Refusal to Reopen and Consider Anew Registrant's Classification.*—When a registrant, any person who claims to be a dependent of a registrant, any person who has on file a written request for the current deferment of the registrant in a case involving occupational deferment, or the government appeal agent files with the local board a written request to reopen and consider anew the registrant's classification and the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the registrant was classified or, even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in such registrant's classification, it shall not reopen the registrant's classification. In such a case, the local board, by letter, shall advise the person filing the request that the information submitted does not warrant

the reopening of the registrant's classification and shall place a copy of the letter in the registrant's file. No other record of the receipt of such a request and the action taken thereon is required.

CLASSIFICATION ANEW

1625.11 *Classification Considered Anew When Reopened.*—When the local board reopens the registrant's classification, it shall consider the new information which it has received and shall again classify the registrant in the same manner as if he had never before been classified. Such classification shall be and have the effect of a new and original classification even though the registrant is again placed in the class that he was in before his classification was reopened.

1625.12 *Notice of Action When Classification Considered Anew.*—When the local board reopens the registrant's classification, it shall, as soon as practicable after it has again classified the registrant, mail notice thereof on Notice of Classification (SSS Form No. 110) to the registrant and on Classification Advice (SSS Form No. 111) to the persons entitled to receive such notice or advice on an original classification under the provisions of Section 1623.4 of this chapter.

1625.13 *Right of Appeal Following Reopening of Classification.*—Each such classification shall be followed by the same right of appearances before the local board and the same right of appeal as in the case of an original classification.

1625.14 *Order to Report for Induction to Be Cancelled When Classification Reopened.*—When the local board has reopened the classification of a registrant, it shall cancel any Order to Report of Induction (SSS Form No. 252) which may have been issued to the registrant. If, after the registrant's classification is reopened, he is classified anew into a class available for service, he shall be ordered to report for induction in the usual manner."

Appeal by Registrant and Others

1626.2 (c) the registrant, any person who claims to be a dependent of the registrant, or any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant, may take an appeal authorized under paragraph (a) of this section at any time within the following period:

(1) Within 10 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110).

INDUCTION

1632.14 *Duty of Registrant to Report for and Submit to Induction.*—(a) When the local board mails to a registrant an Order to Report for Induction (SSS Form No. 252), it shall be the duty of the registrant to report for induction at the time and place fixed in such order. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for induction upon the termination of such postponement and he shall report for induction at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for induction to his local board and to each local board whose area he enters or in whose area he remains.

(b) Upon reporting for induction, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives

of the armed forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is not accepted by the armed forces, to follow the instructions of the representatives of the armed forces as to the manner in which he will be transported on his return trip to the local board.